

Senate File 517 - Introduced

SENATE FILE 517
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 235)

A BILL FOR

1 An Act relating to domestic relations proceedings involving
2 parties with a history of domestic abuse.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 598.5, subsection 1, Code 2019, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. 1. State whether a history of domestic abuse
4 exists as specified in section 598.41, subsection 3, paragraph
5 "j".

6 Sec. 2. Section 598.19, Code 2019, is amended to read as
7 follows:

8 **598.19 Waiting period before decree.**

9 1. ~~No~~ A decree dissolving a marriage shall not be granted
10 in any proceeding before ninety days shall have elapsed from
11 the day the original notice is served, or from the last
12 day of publication of notice, or from the date that waiver
13 or acceptance of original notice is filed or until after
14 conciliation is completed, whichever period shall be longer.

15 2. However, the court may in its discretion, on written
16 motion supported by affidavit setting forth grounds of
17 emergency or necessity and facts which satisfy the court that
18 immediate action is warranted or required to protect the
19 substantive rights or interests of any party or person who
20 might be affected by the decree, hold a hearing and grant a
21 decree dissolving the marriage prior to the expiration of the
22 applicable period, provided that requirements of notice have
23 been complied with. In such case the grounds of emergency or
24 necessity and the facts with respect ~~thereto~~ to such grounds
25 shall be recited in the decree unless otherwise ordered by
26 the court. For the purposes of this subsection, "grounds of
27 emergency or necessity" shall include an allegation in the
28 petition filed pursuant to section 598.5, that a history
29 of domestic abuse exists as specified in section 598.41,
30 subsection 3, paragraph "j", as established by competent
31 evidence.

32 3. The court may enter an order finding the respondent in
33 default and waiving conciliation when the respondent has failed
34 to file an appearance within the time set forth in the original
35 notice.

1

EXPLANATION

2

The inclusion of this explanation does not constitute agreement with
the explanation's substance by the members of the general assembly.

3

4 This bill provides that if a petitioner includes in the
5 petition for a dissolution of marriage a statement that a
6 history of domestic abuse exists as specified in the bill under
7 current law, the allegation of a history of domestic abuse
8 as established by competent evidence constitutes grounds of
9 emergency or necessity on which basis the court may determine
10 immediate action is warranted or required, hold a hearing, and
11 grant a decree dissolving the marriage prior to the expiration
12 of the usual waiting period before a decree may be granted.